THE HON'BLE SRI JUSTICE V.V.S. RAO

AND

THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

W.P.No.21102 of 2002

Date: 15.06.2007

Between:

V.Gowrayamma W/o late Katamaswamy
Aged about 80 years, R/o Kimmuru village
Addateegala Mandal, East Godavari district

…. Petitioners

And:

The District Collector & Agent to the Government,

East Godavari District, Kakinada & 3 others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

AND

THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

W.P.No.21102 of 2002

ORDER: (Per Hon'ble Sri Justice G.V.Seethapathy)

The petitioner, a non-tribal claims to be the owner and possessor of an extent of Ac.3.57 cents in Survey No.53/2, 55/1 and 103/1 situated in Kothurupadu and Kimmuru villages of Addateegala Mandal, East Godavari district. Proceedings were initiated under Section 3 of A.P. Scheduled Areas Land Transfer (Amendment) Regulation 1970 (Regulation 1/59 read with 1/70) (for short 'Regulation') in LTRP No.10 of 1992 against the husband of the petitioner and the 2nd respondent passed order of eviction. Against the said order, the petitioner preferred CMA No.9/94 before the first respondent and the same was dismissed on 22.11.1996. Thereafter, the petitioner filed a revision before the 4th respondent under Section 6 of the Regulation. By impugned order G.O.Ms.No.143 dated 3.12.1998, 4th respondent dismissed the revision petition and confirmed the orders of the Agent-first respondent in CMA No.9 of 1994. Questioning the same, the present revision is filed.

According to the petitioner, they have been in possession and enjoyment of the lands since long prior to coming into force of the Regulation on 3.2.1970 as pattedards and their possession is borne out by revenue records. The petitioner complains that 4th respondent dismissed the revision without assigning any reasons and without considering various contentions raised by her. A perusal of the impugned order of 4th respondent shows that the petitioner pleaded specific grounds for revision and raised various contentions. The impugned order further shows that the Collector-District Magistrate in his para-wise remarks pleaded that the transaction of sale was effected by registered document on 13.9.1973 and it was hit by Section 3(1) of the Regulation. By the impugned order, the 4th respondent while narrating the contentions of the petitioner and respondents, however disposed of the revision with a laconic observation, which reads thus:

> "Government after careful consideration of the issue have come to the conclusion that there are no grounds to interfere with the orders passed by the lower court. Accordingly Government hereby dismiss the revision petition'.

The impugned order does not purport to deal with the merits or demerits of the rival contentions put forward by the parties. No reasons are furnished for non-interference with the order passed by the appellate Authority in CMA No.9 of 1994. The impugned order does not disclose any reasons with reference to material on record, which led to the conclusion that there are no grounds to interfere with the

orders under revision. In other words, the impugned order of 4th respondent is not a speaking order, as it records only the conclusion without furnishing any reasons in reaching the said decision. As the order is passed without application of mind by 4th respondent in exercise of the quasi-judicial and statutory power of revision under the Regulation, the same is wholly unsustainable. Accordingly, the impugned order is set aside and the matter is remitted to 4th respondent-State Government with a direction to dispose of the revision on merits by a reasoned order with reference to various contentions raised by the parties and the evidence available on record, within four weeks from the date of receipt of the copy of this order.

The writ petition is disposed of with the above direction. No order as to costs.

V.V.S.RAO, J

G.V.SEETHAPATHY, J

Date:15.06.2007
BSS